



ADMINISTRATION

OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER
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WASHINGTON, DC 20301-9010

NOV 13 2014

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter and Membership Balance Plan Consultation – *Department of Defense Wage Committee*

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972, as amended, intends to renew the charter for the *Department of Defense Wage Committee* (attached). The Committee will operate under the provisions of the Federal Advisory Committee Act of 1972, as amended and in accordance with 41 CFR § 102-3.50.

Prior to filing the Committee's charter with the Library of Congress and the appropriate congressional committees the Department of Defense respectively requests that the Committee Management Secretariat review and approve the proposed charter and membership balance plan (attached). Both documents has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact, Len O'Reilly, at 703-692-5949.

James D. Freeman II
Advisory Committee Management
Officer for the Department of Defense

Attachments
Proposed Charter
Proposed Membership Balance Plan

Charter
Department of Defense Wage Committee

1. Committee's Official Designation: The Committee will be known as the Department of Defense (DoD) Wage Committee ("the Committee").
2. Authority: The Secretary of Defense, pursuant to 5 C.F.R. § 532.227 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Committee.
3. Objectives and Scope of Activities: The Committee provides independent advice and recommendations on matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas, as set out in paragraph four below.
4. Description of Duties: The Committee, under the provisions of 5 C.F.R §§ 532.243, 532.209, 532.227 and Appendix A of Subpart B of Part 532; the Federal Wage System (Public Law 92-392); and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Non-Appropriated Funds, S3-2 Agency Level, provides the Secretary or Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), independent advice and recommendations on all matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the DoD.
 - a. Considers and makes recommendations to DoD on any matter involved in developing specifications for a wage survey on which the DoD proposes not to accept the recommendations of a local wage survey committee and any matters on which a minority report has been filed;
 - b. Upon completion of a wage survey, considers the survey data, the local wage survey committee's report and recommendations, and the statistical analyses and proposed pay schedules derived from them, as well as any other data or recommendations pertinent to the survey, and recommends wage schedules to the pay-fixing authority; and
 - c. A majority vote constitutes a decision and recommendation of the Committee, but a member of the minority may file a report with the Committee's recommendation.
5. Agency or Official to Whom the Committee Reports: The Committee reports to the Secretary or Deputy Secretary of Defense through the USD(P&R).

The USD(P&R) may act upon the Committee's advice and recommendations.

6. Support: The DoD, through the Office of the USD(P&R), and the Defense Human Resources Activity, Civilian Personnel Advisory Service, Wage and Salary Division, provides support, as deemed necessary, for the Committee's performance, and ensures compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meeting, and contracting support, is approximately \$34,970.00. The estimated annual personnel cost to the DoD is 0.3 full-time equivalents.
8. Designated Federal Officer: The Committee's Designated Federal Officer (DFO) must be a full-time or permanent part-time DoD employee appointed in accordance with governing DoD policies and procedures.

The Committee's DFO is required to attend all meetings of the Committee and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to established DoD policies and procedures, must attend the entire duration of all meetings of the Committee and its subcommittees.

The DFO or Alternate DFO calls all meetings of the Committee and its subcommittees; prepares and approves all meeting agendas; and adjourns any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Committee meets at the call of the Committee's DFO, in consultation with the Committee's chair. The estimated number of Committee meetings is 26 per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Committee terminates upon rescission of 5 C.F.R. § 532-227.
12. Membership and Designation: The Committee, pursuant to 5 C.F.R. § 532.227, is composed of five members – a chair and six additional members. The Secretary of Defense or the Deputy Secretary of Defense selects the Committee's chair and two of the members. Of the remaining two members, one shall be designated by each of the two labor organizations having the largest number of wage employees covered by exclusive recognition in the DoD. This authority to designate labor organization members remains with the same organization, at a minimum, for a two-year period. The designating authority may provide for alternates to the chair and members.

Committee members are appointed by the Secretary of Defense or the Deputy Secretary of Defense. Committee members who are not full-time or permanent part-time Federal officers or employees are appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Committee members who are full-time or permanent part-time Federal officers or employees are appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. Committee members, as determined by the Secretary or Deputy Secretary of Defense, serve a term of service of one-to-

four years, with annual renewals. This same term of service limitation also applies to any DoD authorized subcommittee.

All members of the Committee are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

Committee members serve without compensation except for reimbursement of travel and per diem as it pertains to official Committee business.

13. Subcommittees: The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee. Establishment of subcommittees is based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or USD(P&R), as the Committee's sponsor.

Such subcommittees will not work independently of the Committee and must report all of recommendations and advice solely to the Committee for full and open deliberation, discussion, and voting. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Committee. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Committee, directly to the DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense will appoint subcommittee members to a term of service of one-to-four years, with annual renewals, even if the member in question is already a member of the Committee. Subcommittee members will not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Subcommittee members, who are full-time or permanent part-time Federal officers or employees, will be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. With the exception of reimbursement of official travel and per diem related to the Committee or its subcommittees, subcommittee members serve without compensation.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Committee and its subcommittees shall be handled according to Section 2, General Records Schedule 26, and governing DoD policies and procedures. These records will be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date:

Membership Balance Plan
Department of Defense Wage Committee

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(c) and 5 C.F.R. § 532, Federal Wage System (Public Law 92-392), established the Committee.
2. Mission/Function: The Committee, under the provisions of 5 C.F.R §§ 532.243, 532.209, 532.227 and Appendix A; the FACA; the Federal Wage System (Public Law 92-392); and the Office of Personnel Management Operating Manual, Federal Wage System, Appropriated and Non-Appropriated Fund, provides the Secretary or Deputy Secretary of Defense, through the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), independent advice and recommendations on all matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the DoD.
3. Points of View: The Committee is comprised of seven members – a chair and six additional members. The chair is appointed by the Secretary or Deputy Secretary of Defense.

Committee members, who are not full-time or permanent part-time Federal officers or employees, are appointed as experts or consultants, pursuant to 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Committee members, who are full-time or permanent part-time Federal employees, are appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as regular government employee (RGE) members.

The remaining six positions consist of two labor organization representatives and four members who are RGE and are divided into two broad categories – labor and management. Each category has two voting members; in the case of the management category, the two voting members will change depending upon which two DoD Components, as determined by the chair, have the largest number of wage employees in the wage areas under consideration.

Those individuals representing the labor organizations are selected by the labor organizations to provide the Committee with the points of view of nongovernment entities or a recognizable group of persons that have interests in the subject matter under consideration by the Committee. Whereas, those individuals, to include the chair, who represent the DoD Components, and are RGE members are appointed by the Secretary of Defense or Deputy Secretary of Defense to exercise their own individual best judgment on behalf of the government.

The DoD may appoint additional experts and consultants to as subject matter experts or to provide advice to the Committee. However, these individuals, regardless of whether they are SGE or RGE, are prohibited from participating in any deliberative matters or voting on any matters before the committee unless they have been invited to sit on the Committee according to governing statutes and regulations.

Membership Balance Plan
Department of Defense Wage Committee

The DoD, in selecting potential candidates for the Committee, reviews the educational and professional credentials of individuals and bases its selection on this review, the subject matters being handled by the Committee. The Department has found that viewing the complex issues facing the Department through a multidisciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Members of the Committee are appointed to provide advice on the basis of their best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

The Committee's membership balance is not static and the Secretary of Defense or Under Secretary of Defense may change the membership based upon work assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or the USD(P&R), as the Sponsor. The Department, unless otherwise directed by an Act of Congress or Presidential directive, does not use representative members on DoD-established or supported advisory committees.

4. Other Balance Factors: N/A
5. Candidate Identification Process: The DoD, in selecting candidates for the Committee, reviews the educational and professional credentials of individuals with extensive professional experience in the area of matters relating to the conduct of wage surveys and the establishment of wage schedules for all appropriated fund and non-appropriated fund wage areas of blue-collar employees within the DoD. Potential candidates are from the DoD and those Components with the largest number of wage employees within DoD, and are identified by senior DoD officials, the Military Departments, and the Defense Logistics Agency. The remaining two candidates are representatives of the two labor organization having the largest number of wage employees covered by exclusive recognition in the DoD. Each labor organization selects one individual to represent it and its stakeholders.

Potential candidates are identified when the Committee's Designated Federal Officer (DFO), requests a list of potential candidates from the DoD. Senior officials from the DoD, the Military Departments, and the Defense Logistics Agency identify and submit a list of potential candidates, along with their biographies and nomination memos.

Once potential candidates are identified, the DFO in consultation with the Committee's professional staff reviews the credentials of each individual and narrows the list of potential candidates. During this review, he or she strives to achieve a balance between the educational and professional credentials of the individuals and the anticipated subject matters to be reviewed by the Committee to achieve expertise in points of view represented and functions to be performed.

After the list of candidates has been narrowed, it is forwarded to the USD(P&R) for review and formal nomination to the Secretary of Defense or the Deputy Secretary of Defense. Prior to nominating the potential candidates, the list will undergo a review by the Office of General Counsel for the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan. Following this review, the USD(P&R) formally nominates the potential candidates to the Secretary of Defense or the Deputy Secretary of Defense for

Membership Balance Plan
Department of Defense Wage Committee

approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to serve on DoD established or supported advisory committees and subcommittees.

Following approval by the Secretary of Defense or the Deputy Secretary of Defense, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members who are appointed as SGE members.

Committee member vacancies will be filled in the same manner as described in the previous six paragraphs above. The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of Committee members for one-to-two year terms-of-service. However, no member, unless authorized by the Secretary of Defense and the Secretary of Education, may serve more than two consecutive terms of service.

6. Subcommittee Balance: The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Committee.

The Secretary of Defense or the Deputy Secretary of Defense approves the appointment of subcommittee members in the same manner as members of the Committee, to include annual renewals. Individuals considered for appointment to any subcommittee of the Committee may come from the Committee itself or from new nominees, as recommended by the USD(P&R) and based upon the subject matter under consideration, but they must be approved by the Secretary of Defense before participating in any subcommittee work.

Subcommittee members, if not full-time or permanent part-time Federal government employees, are appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those individuals who are full-time or permanent part-time Federal government employees are appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. No subcommittee member may serve more than two consecutive terms of service without the Secretary of Defense or Deputy Secretary of Defense approval.

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared/Updated: